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APPLICATION NO.	F	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,537		12/13/2001	Gerhard J Bleys	P 282804/EUR	8094
37058	7590	05/31/2006		EXAMINER	
TIM HEAI		CEWELLILD	SERGENT, RABON A		
GARDERE WYNNE SEWELL LLP 1000 LOUISIANA, SUITE 3400				ART UNIT	PAPER NUMBER
HOUSTON,	HOUSTON, TX 77002			1711	
				DATE MAILED: 05/31/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	09/914,537	BLEYS ET AL.			
Office Action Summary	Examiner	Art Unit			
	Rabon Sergent	1711			
The MAILING DATE of this communication appeariod for Reply	pears on the cover sheet with the o	correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tire will apply and will expire SIX (6) MONTHS from to, cause the application to become ABANDONE	N. mely filed n the mailing date of this communication. ED (35 U.S.C. § 133).			
Status					
1)⊠ Responsive to communication(s) filed on <u>06 №</u>	<u>larch 2006</u> .				
2a)⊠ This action is FINAL . 2b)□ This	This action is FINAL . 2b) This action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.			
Disposition of Claims					
4) Claim(s) 1-4,6-12 and 16-21 is/are pending in 4a) Of the above claim(s) is/are withdray 5) Claim(s) is/are allowed. 6) Claim(s) 1-4,6-12 and 16-21 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/o	wn from consideration.				
Application Papers					
9)☐ The specification is objected to by the Examine	er.				
10)☐ The drawing(s) filed on is/are: a)☐ acc	epted or b) objected to by the	Examiner.			
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	•	, ,			
Priority under 35 U.S.C. § 119					
12) △ Acknowledgment is made of a claim for foreign a) △ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority document 2. ☐ Certified copies of the priority document 3. △ Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage			
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Do 5) Notice of Informal F 6) Other:				

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-4, 6-12, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleys ('226) or Bleys et al. ('779) or Eling et al. ('483), each in view of Oertel (Polyurethane Handbook: Chemistry - Raw Materials - Processing - Application - Properties).

Bleys and Bleys et al. and Eling et al. disclose the production of resilient flexible polyurethane foams prepared from the reaction of water, 4,4'-diphenylmethane diisocyanate, and polyether polyols, having greater than 50% by weight oxyethylene groups, functionalities of 2-6, and equivalent weights that overlap those claimed by applicants. See abstracts. Furthermore, patentees disclose that prepolymer processes may be employed and that the polyurethanes may be molded. See column 3, lines 53+ within Bleys. See abstract and column 5, line 13 within Bleys et al. See abstract and column 4, lines 61+ within Eling et al.

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- 3. Though the primary references are silent regarding applicants' claimed process of coating the mold with an external release agent and producing at least 10 moldings prior to recoating the mold with the external release agent, the position is taken that, in the production of polyurethane foams, the initial coating of a mold with an external release agent to facilitate removal of the foam from the mold was considered necessary and indispensable at the time of invention. This position is supported by the teachings of Oertel at pages 114 and 115. Oertel further discloses that use of the release agent extends the production cycle, which suggests that multiple moldings are produced per mold release application. Finally, Oertel discloses types of mold release agents that correspond to those disclosed by applicants, the characteristics that effect mold release, and that the best mold release agent may be found through experimental optimization; therefore, Oertel sets forth fundamental guidelines that would have enabled the skilled artisan to arrive at molding processes having optimum mold release characteristics. Therefore, it would have been obvious to produce moldings utilizing the disclosed foam composition of the primary references and to utilize external mold release agents, selected through optimization, so as to yield processes having the most desirable demolding characteristics, such as ease of release and number of releases between release agent application.
- 4. Applicants' disclosed examples have been considered; however, they are insufficient to establish any showings of unexpected results. The examples merely demonstrate the expected result that improved mold release is obtained when an external mold release agent is utilized as opposed to when an external mold release agent is not utilized. Furthermore, no examples have been set forth to demonstrate that the instant foam composition yields improved mold release as compared to the foam compositions of the primary references. In fact, given the similarity of the

disclosed foam compositions and the instant composition, one would expect the disclosed foam compositions to display similar mold release properties to those of the instant composition, all else being equal. It has been held that the discovery of an inherent property (i.e.; beneficial mold release) of a known composition does not rise to the level of invention.

5. Applicants have argued that Oertel suggests that mold release agent must be applied to the mold each time a molding is produced. The examiner has carefully considered this argument; however, there is nothing within Oertel that supports applicants' argument. Rather, it appears that applicants have read conclusions into Oertel to support their own position. The passages cited by applicants must be taken for what they are, without unsupported embellishment. It is not seen that there is anything within these passages that suggests that mold release agent must be applied in the course of every molding operation. Applicants' first argued passage merely states that mold release agent must be removed to after-treat the molding, such as by painting. Applicants' inference that this passage states that a uniform mold release agent coating will not be present within the mold after every molding operation is simply not supported by the passage. Applicants' second argued passage merely states that in the course of production, a build-up of release agent occurs within the mold that must be removed. Again, applicants' inference that this passage indicates that mold release agent must be applied to the mold every molding cycle is not supported by this passage. The cited passage in no way suggests how often the release agent must be applied; in fact, the argued passage applies equally to any known use of an external mold release agent, including applicants' claimed process, because one would reasonably expect residual mold release agent to build-up in the mold in the course of production, regardless of how many releases are obtained per application.

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6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication should be directed to R. Sergent at telephone

number (571) 272-1079.

PRIMARY EYAMINED

PHIMARY EXAMINER

R. Sergent May 30, 2006